IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 7234 of 2006
Date of decision September 11, 2006

Justindeep

.....Petitioner

Versus

Baba Farid University of Health Sciences and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL AND
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Sh. Sandeep Arora, Advocate
for the petitioner.

Sh. R. S. Bains, Advocate
for respondent No.1.

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Written statement on behalf of respondent No.1 has been filed in Court today and the same is taken on record. Copy thereof, has been handed over to the learned counsel for the petitioner.

The petitioner has approached this Court for issuance of directions to the University- respondent No.1 to register him as a regular student of B.Sc. Nursing Course-2005 and to accept his candidature for first year examination of B.Sc. Nursing course.

Sh. Sandeep Arora, learned counsel for the petitioner, on the basis of the affidavit of the petitioner dated September 4, 2006, maintains that one additional seat had become vacant in college-respondent No.2 inasmuch as one Ramandeep Kaur who was studying in the college had left her studies and that the petitioner can be accommodated on the aforesaid seat which had become vacant. Sh. Arora further maintains that

the aforesaid vacant seat on account of abandoning of her course by Ramandeep Kaur is the 40th seat and as such even if the petitioner is accommodated on the said vacant seat the total seats in the college shall not exceed the sanctioned strength.

Sh. R.S. Bains, learned counsel appearing on behalf of the respondent-University however, states that the respondent-University has not been provided any information by the college with regard to the aforesaid fact and as such, the University is not in a position to comment upon the stand taken by the petitioner in this regard. Sh. Bains further maintains that if the college provides the aforesaid information to University that the seat having been vacated by Ramandeep is within the sanctioned strength of 40 seats then the claim of the petitioner shall be sympathetically considered by the University.

In view of the fair stand taken by Sh. Bains, Sh. Sandeep Arora, learned counsel appearing on behalf of the petitioner states that the present petition be disposed of with a liberty to the petitioner to approach the college-respondent No.2 so that the communication on the factual position can be addressed by the college to the respondent-University.

The present petition is disposed of with the aforesaid liberty to the petitioner. We also take note that vide interim order dated May 11, 2006, the petitioner had been permitted to appear in the first year examination of B.Sc Nursing Course which was scheduled to be held w.e.f. May 16, 2005. The aforesaid permission granted to the petitioner was totally provisional and was to abide by the final decision of the present petition.

In view of the disposal of the present writ petition, we

direct that the aforesaid protection granted to the petitioner shall continue to operate for a period of six weeks from today. If, any communication, as maintained by the petitioner, is received by the respondent-University within the aforesaid period of six weeks then the result of the petitioner shall be declared by the respondent-University. However, if the respondent-University fails to get any information in this regard from the respondent-college then in that case the permission granted to the petitioner to appear in the examination shall automatically lapse and in that situation, the petitioner shall not claim any benefit of the aforesaid provisional order.

A copy of the order be given dasti on payment of usual charges.

(VINEY MITTAL)
JUDGE

(H.S. BHALLA)
JUDGE

September 11, 2006
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